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IN THE UNITED STATES DISTRICT COURT

FOR THE STATE OF ALASKA

DARLENE EVANS,)	
)	
Plaintiff,)	
)	
v.)	
)	
UNITED STATES OF AMERICA,)	
)	Case No. 3:10-cv-_____
Defendant.)	
_____)	<u>COMPLAINT</u>

Plaintiff, Darlene Evans, through her attorneys of record, for her complaint against the defendant, states and alleges as follows:

PARTIES AND JURISDICTION

1. This action arises under the Federal Tort Claims Act, 28 U.S.C. § 1346(b), and §§ 2671 *et seq.*

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2. Darlene Evans is, and at all material times was, a resident of Bethel, Alaska.

3. The Yukon Kuskokwim Health Corporation ("YKHC") is a non-profit corporation organized pursuant to Alaska law. Upon information and belief, YKHC is a corporation in good standing in the State of Alaska. YKHC operates a regional medical clinic in

4. The United States has assumed tort liability under the Federal Tort Claims Act for the negligent acts of YKHC employees.

5. An administrative claim was presented on February 9, 2010 and supplemented on February 22, 2010. More than six months have passed since the claim was presented and the claim is deemed denied pursuant to 28 U.S.C. § 2675(a).

BACKGROUND AND FACTS

6. On January 9, 2009, plaintiff was diagnosed with advanced rectal cancer.

7. Prior to plaintiff's diagnosis of rectal cancer, YKHC doctors repeatedly misdiagnosed plaintiff with hemorrhoids, a condition she did not have.

8. As a result of YKHC doctors' misdiagnoses and delay in diagnosing her rectal cancer, plaintiff has suffered extensively, including multiple surgeries, reconstructive surgery, permanent physical impairment, and severe disfigurement. In addition, plaintiff will be required to wear a colostomy bag for the remainder of her life.

FIRST CAUSE OF ACTION: NEGLIGENCE

9. Plaintiff realleges and incorporates the allegations in paragraphs 1-8, above.

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10. At the above-mentioned time and place, Defendant, through its agents, servants and employees, was negligent in failing to properly and timely diagnose Plaintiff.

11. Defendant's employees' negligence breached the standard of care required of health care providers in the field in which the doctors were practicing.

12. As a direct and proximate result of the foregoing negligent acts or omissions on the part of the Defendant's employees or agents, Plaintiff suffered damages, including but not limited to, past and present medical expenses, past and present pain and suffering, past and present emotional distress, loss of enjoyment of life, loss of earning capacity, severe disfigurement, and permanent physical impairment, the precise amount of which will be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the court grant her the following relief:

1. An award of economic and non-economic damages, the precise amount to be proven at trial;
2. Allowable costs and attorney's fees; and
3. Such other relief as the court deems equitable and just.

RESPECTFULLY SUBMITTED this 28th day of September, 2010.

ANGSTMAN LAW OFFICE
Attorneys for Plaintiff

By: s/Myron Angstman
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